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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

CENTER FOR BIOLOGICAL
DIVERSITY, et al.,

Plaintiffs,

v.

DOUG BURGUM, et al.,

Federal Defendants,

SABLE OFFSHORE CORP.,

Intervenor-Defendant.

Case No. 2:24-cv-05459-MWC-MAA

**PLAINTIFFS' OPPOSITION TO
FEDERAL DEFENDANTS' EX
PARTE APPLICATION FOR A
STAY PENDING LAPSE IN
APPROPRIATIONS**

Honorable Michelle Williams Court
United States District Judge

1 Plaintiffs oppose Federal Defendants’ *ex parte* application for a stay of “all
2 proceedings in this matter until Congress has restored appropriations” (Dkt. No. 99
3 ¶ 3) — an unknown and potentially lengthy amount of time. Plaintiffs recognize
4 the challenges posed by the lapse in federal appropriations, and Plaintiffs therefore
5 do not oppose a limited stay until November 3, 2025. Federal Defendants have not
6 met their burden to demonstrate an indefinite stay is warranted, and Plaintiffs
7 would be prejudiced by such a stay.

8 Indefinite stays are disfavored. *See Dependable Highway Exp., Inc. v.*
9 *Navigators Ins. Co.*, 498 F.3d 1059, 1066 (9th Cir. 2007) (“Generally, stays should
10 not be indefinite in nature.”). An indefinite stay is prejudicial where “there is even
11 a fair possibility” that the stay may cause harm to the other party. *Landis v. North*
12 *American Co.*, 299 U.S. 248, 255 (1936).

13 The party seeking a stay “has the burden to ‘make out a clear case of
14 hardship or inequity in being required to go forward,’” and “‘the competing
15 interests which will be affected by the granting or refusal to grant a stay must be
16 weighed.’” *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1110 (9th Cir. 2004) (quoting
17 *Landis*, 299 U.S. at 255, 268).

18 Here, Federal Defendants have not met their burden. The only asserted basis
19 for any stay is the limited work authorized for counsel during the shutdown. This
20 cursory contention does not justify any indefinite stay. Any burden on Federal
21 Defendants is minimal because litigation work can and should be authorized for
22 counsel when required to comply with a deadline set by this Court. The
23 Antideficiency Act specifically permits federal activities that are “authorized by

1 law” to continue during a lapse in appropriations, 31 U.S.C. § 1342, and the
2 Department of Justice has in other cases interpreted this to mean that it will
3 continue with civil litigation when subject to a court-ordered deadline. *See* U.S.
4 Department of Justice FY 2026 Contingency Plan, at 3 (Sept. 29, 2025),
5 <https://www.justice.gov/jmd/media/1377216/dl> (“If a court . . . orders a case to
6 continue, the Government will comply with the court’s order, which would
7 constitute express legal authorization for the activity to continue.”); *see also* *S.A. v.*
8 *Trump*, 2019 U.S. Dist. LEXIS 5742, at *3 (N.D. Cal. Jan. 11, 2019) (denying
9 motion to stay due to lapse of appropriations act funding, noting that the court’s
10 order “constitutes express legal authorization for the government to continue
11 litigating this case under the Antideficiency Act.”).

12 Plaintiffs’ interests are harmed by an indefinite stay of this case because,
13 during its pendency, activities continue in furtherance of a restart of offshore oil
14 production, transport, and other operations at the Santa Ynez Unit. Plaintiffs
15 understand that Sable Offshore Corp. seeks to restart the Santa Ynez Unit before
16 the end of the year and that Federal Defendants may continue to authorize
17 Applications for Permits to Modify or other approvals in the coming months. For
18 example, according to Sable Offshore Corp.’s 8-K filed with the SEC on October
19 9, 2025, the company has submitted an updated development and production plan
20 for the Santa Ynez Unit to the Bureau of Ocean Energy Management for approval.
21 As described in agency contingency plans, Federal Defendants will continue to
22 authorize certain oil and gas activities, including permitting drilling and processing
23 exploration and development plans, despite the federal government shutdown.
24

1 Bureau of Ocean Energy Management, Contingency Plan at 3–4 (Sept. 2025),
2 [https://www.doi.gov/sites/default/files/documents/2025-09/doi-boem-contingency-](https://www.doi.gov/sites/default/files/documents/2025-09/doi-boem-contingency-plan2025930508.pdf)
3 [plan2025930508.pdf](https://www.doi.gov/sites/default/files/documents/2025-09/doi-boem-contingency-plan2025930508.pdf). Federal Defendants have not issued any shutdown orders for
4 operations at the Santa Ynez Unit to ensure that a full restart does not occur. This
5 means that they could approve additional activities at the Santa Ynez Unit —
6 which are at the core of this case — during the federal government shutdown.
7 Meanwhile, this case about the adequacy of environmental review of the restart
8 activities at the Santa Ynez Unit remains unresolved. Thus, an indefinite stay of the
9 proceedings in this case harms Plaintiffs’ interests.

10 As proposed by Plaintiffs, an order for a limited stay until November 3rd,
11 after which the Parties would confer on next steps and propose a timeframe for the
12 case to proceed, requires only minimal work by counsel.

13 For these reasons, Plaintiffs respectfully oppose an indefinite stay and
14 request that this Court limit the duration of the stay to November 3rd and order the
15 Parties to submit a joint status report by November 10 that includes a proposed
16 schedule for how to proceed with this case.

17
18 Respectfully submitted on October 11th, 2025.

19
20 /s/ Miyoko Sakashita
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